THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.17318 of 1998

DATED: 28.02.2007

BETWEEN:

Mekala Narasimha Rao

…Petitioner

and

Gram Panchayat, Challapalli village,
Utpalaguptam Mandal,
East Godavari District and others.

....Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.17318 of 1998

ORDER

This Writ Petition is filed seeking a *mandamus* declaring the action of the first respondent to dispossess the petitioner from his peaceful possession and enjoyment of the land in an extent of Ac.0.15 cents in Sy.No.688 of Challapalli village, Utpalaguptam Mandal, East Godavari District, and demolish the structures of the petitioners, as illegal and arbitrary.

2. The case of the petitioner is that he has been in uninterrupted possession and enjoyment of the property in an extent of Ac.0.15 cents in Sy.No.688 of Challapalli village, Utpalaguptam Mandal, East Godavari District, since he purchased the same from Mekala Dhanikamma and others through a registered sale deed, dated 11.02.1986. Be that as it may, the officials of the respondents, at the instance of the first respondent and political group, without following the procedure as contemplated in the provisions of the enactments and without giving notice to the petitioner, are threatening him to dispossess from his site and demolish the structures therein.

3. Heard both the counsel.

4. The grievance of the petitioner is that he is the absolute owner of the land in an extent of Ac.0.15 cents in Sy.No.688 of Challapalli village, Utpalaguptam Mandal, East Godavari District, and the respondents are trying to dispossess him from his land and demolish

the structures therein without following due process of law.

5. This Court, on 23.06.1998, while issuing *Rule Nisi,* passed an interim direction in W.P.M.P.No.20654 of 1998, directing the respondents, not to dispossess the petitioner from the property in question or to demolish any structures therein without issuing prior notice to the petitioner and without following the due procedure prescribed by law. Despite the fact that the respondents were served with notice, they have not chosen to file any counter.

6. As the limited prayer of the petitioner is that the said action of the respondents is contrary to the principles of law, this Court is of the considered view that this Writ Petition can be disposed of with a direction to the respondents not to dispossess the petitioner from out of the land in question without following due process of law.

7. Accordingly, this Writ Petition is disposed of. No costs.

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(GOPALA KRISHNA TAMADA,J)

28.02.2007
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